



Express Mail No. EL 828015231 US

Atty. Docket No. 23915-7319

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Thomas A. Silvestrini

Serial No.: 08/596,221

Filing Date: July 15, 1996

For: **SEGMENTED PLIABLE
INTRASTROMAL CORNEAL INSERT**

Examiner: D. Willse

Group Art Unit: 3738

Letter of Transmittal

Commissioner for Patents
ATTN: RCE
Washington, D.C. 20231

Dear Sir:

On April 13, 2001, the U.S. Patent and Trademark Office issued a Final Office Action in connection with the above-identified application. On October 15, 2001, a Response to Final Office Action, a Notice of Appeal and authorization to pay the appropriate fee were filed. In view of the filing of the Notice and payment of the fee, Appellant's Brief on Appeal originally was due December 15, 2001. However, Applicant has now requests continued examination after conducting a phone interview with the Examiner on March 13, 2002. Applicant requests a three month extension of time to respond. Accordingly, this request for continued examination is timely filed. Applicant will be filing preliminary amendments shortly.

Under 37 C.F.R. § 1.114, Applicant is required to file a submission and the fee set forth in §1.17(e).

Submission

According to section 706.07(h) II of the Manual of Patent Examination and Procedure Applicant's "previously filed amendment after final (whether or not entered) may satisfy" the submission requirement of 37 C.F.R. § 1.114. Since Applicant has previously filed amendments after final on October 15, 2001, the submission requirement is satisfied.

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Fee

The Commissioner is hereby authorized to charge the fee due under 37 C.F.R. § 1.17(e) any additional fees which may be required by this Request for Continued Examination, or credit any overpayment to Deposit Account No. 50-1193, referencing Docket No. 23915-7319

Date: 13 March 02

Respectfully submitted,

By: Patricia Coleman James
Patricia Coleman James
Registration No. 37,155

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